

Supply of the Treasury.



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1755. And continued by Prorogations and Adjournment to Wednesday the twenty-second Day of *October* following.

C H A P. XIII.

An Act empowering the Province Treasurer to borrow the Sum of *Five Thousand Pounds*, and for applying the same to defrey the Charges of the intended Expedition against *Crown-Point*.

W H E it enacted by the Lieutenant Governour, Council and House of Representatives, That the Treasurer of the Province be and hereby is empowered and directed to borrow of such Persons as shall be willing to lend the same, a Sum not exceeding *Five Thousand Pounds* in Spanish mill'd Dollars at *Six Shillings* each, or in other Silver at *Six Shillings and eight Pence* per Ounce ; and the Sum so borrowed shall be applied by the Treasurer for the Payment of all such Draughts as shall be drawn on him by the Governour or Commander in Chief for the Time being, by and with the Advice of the Council, for the Service of the intended Expedition against *Crown-Point* ; and for every Sum so borrowed, the Treasurer shall give a Receipt and Obligation in the Form following, viz.

Treasurer
empowered
to borrow
£. 5000.

Province of the Massachusetts-Bay,
The _____ Day of _____
Received of _____ the Sum of _____
for the Use and Service _____
of the Province of the *Massachusetts-Bay* ; and in Behalf of said Province I
do hereby Promise and Oblige myself and Successors in the Office of Treasurer, to
Repay the said _____ or Order, on or before the first Day of *June*, 1757,
the aforesaid Sum of _____ in Coined Silver of Sterling Alloy, at six Shillings
and eight Pence per Ounce, or Spanish mill'd Dollars of full Weight at six
Shillings each, with Interest annually at the Rate of Six per Cent. per Annum.

Form of
1755, Treasurer's
Receipt.

Witness my Hand,

A. B. Treasurer.

[C c c]

And

184 Governor's Grant. Exportation of Proviſions.

Tax of £. 5,
600 in 1756.

Rule for Ap-
portioning the
Tax in Caſe
no Tax Act
ſhall be a-
greed on.

And to enable the Treafurer to diſcharge the ſaid Obligations :

Be it further enacted, That there be and hereby is granted to his moſt excellent Maſteſty a Tax of *Five Thouſand Six Hundred Pounds*, to be levied on the Polls and Eſtates within this Province, according to ſuch Rules as ſhall be ordered by the General Court of this Province at their Sessions in *May One Thouſand ſeven Hundred and fifty ſix*.

And be it further enacted, That in Caſe the General Court ſhall not at their Sessions in *May One Thouſand ſeven Hundred and fifty ſix*, agree and conclude upon a Tax-Act to draw into the Treafury the aforeſaid Sum of *Five Thouſand Six Hundred Pounds*, that then the Treafurer of the Province for the Time being, ſhall iſſue his Warrants directed to the Select-Men or Aſſeſſors of the ſeveral Towns and Diſtricts in this Province, requiring them reſpectively to aſſeſs, levy and pay in their reſpective Proportions of ſaid Sum, according to the Rates and Proportions, Rules and Directions of the laſt preceeding Tax Act.

C H A P. XIV.

An Act for granting the Sum of *Three Hundred Pounds*, for the Support of His Honour the Lieutenant Governor and Commander in Chief.

BE it enacted by the Lieutenant Governor, Council and Houſe of Representatives, That the Sum of *Three Hundred Pounds*, be and hereby is granted unto His moſt excellent Maſteſty, to be paid out of the publick Treafury, and to be taken out of the next Supply, to His Honour *SPENCER PHIPS*, Eſq; Lieutenant Governor and Commander in Chief in and over his Maſteſty's Province of the *Maſſachuſetts-Bay*, for his paſt Services ; and further to enable him to manage the publick Affairs of the Province.

C H A P. XV.

An Act to prevent the Subjects of the *French King* being ſupplied with Proviſions.

Preamble.

WHEREAS it hath been represented to this Court, that a Veſſel with *Frenchmen* on board that had lately cleared out from a Port in New-England for the *West-Indies*, has been in divers Harbours at or near *Martha's Vineyard*, with Intent (as is ſuſpected) to procure Proviſions for the *French Inhabitants* of *Louiſbourg* ; and as other Veſſels may put into the ſame or other Harbours, with the ſame Intent :

Persons to be
appointed by
the Com-
mander in
Chief for ſeiz-
ing *French*
Veſſels, &c.

Be it therefore enacted by the Lieutenant Governor, Council and Houſe of Representatives, That it ſhall and may be lawful for the Commander in Chief of this Province, to appoint ſome meet Perſon in each Town or Place whereat Veſſels may probably put in for Proviſions for the Supply of the Subjects of the *French King* ; and the ſeveral Perſons ſo to be appointed, be and they are hereby authorized to make Seizure of all Veſſels having the Subjects of the *French King* on board, and to cauſe the ſame to be conveyed to ſuch Harbour or Place within the Province, as ſhall be moſt convenient for ſecuring them ; as alſo to apprehend and confine ſuch *Frenchmen* as ſhall be found on board ſuch Veſſel or Veſſels, and ſhall forthwith give Notice thereof to the Commander in Chief, for his Orders touching the ſame.

And be it further enacted, That every Perſon appointed as aforeſaid to the Service aforeſaid, be and they are hereby impowered to demand and take all needful Aſſiſtance in the Execution of their Office : And every Perſon neglecting or reſuſing his Aſſiſtance (upon Demand thereof made in his Maſteſty's

Inn-holders Recognizances.

185

jeſty's Name, by any or either of the Officers aforeſaid, ſhall forfeit and pay for the Uſe of this Province, a Sum not exceeding five Pounds at the Diſcretion of any one or more of His Maſteſty's Juſtices of the Peace of the ſame County before whom the Offender or Offenders ſhall be convicted; and in Caſe of Neglect or Refuſal to pay the ſame, ſuch Offender or Offenders ſhall be puniſhed by Imprifonment not exceeding ten Days: And every Juſtice of the Peace upon Complaint made of ſuch Offence committed within the Limits of his County, is hereby authorized to hear and determine the ſame.

Penalty for
denying them
Aſſiſtance.

And be it further enacted, That every Perſon to be appointed by the Commander in Chief for the Service aforeſaid, ſhall (before he ſhall enter upon the Execution of his Truſt) be under Oath (to be adminiſtered to him by a Juſtice of the Peace) for the faithful Performance of the ſame: And a meet Allowance ſhall be made to ſuch Officer and his Aſſiſtants for their Time and Trouble as the Governour and Council ſhall determine; to be paid out of the Seizure (in Caſe any Veſſel ſo ſeized ſhould by due Proceſs in the Law be condemned) or otherwiſe out of the publick Treafury.

Officers to be
under Oath.

To be allow'd
for their Ser-
vice.

This Act to continue and be in Force during the Continuance of an Act of this Government made and paſſed on the firſt Inſtant, Intituled, "An Act for preventing the Exportation of Proviſions and War-like Stores out of this Province.

Continuance
of the Act.

C H A P. XVI.

An Act for Eſtabliſhing certain Recognizances entred into by Perſons heretofore licenced to be Inn-holders, Taverners and Retailers.

WHEREAS in order to ſecure the Payment of the Duties of Excife granted upon Spirits diſtilled and Wine, and upon Limes, Lemmons and Oranges, to thoſe who might Farm the ſame; many Perſons heretofore licenced to be Inn-holders, Taverners and Retailers, have recognized with Sureties in certain Sums to ſuch Perſons as were or ſhould be Farmers of the Duties aforeſaid, without expreſſy naming them, or otherwiſe aſcertaining the Recognizees, and thereupon have ſold Wine, and Spirits diſtilled by Retail: And whereas a Doubt has ariſen whether thoſe Recognizances are effectual to enable the Farmers of the Duties aforeſaid, to recover the Sums to them reſpectively due from the Perſons ſo licenced, or were ſufficient to juſtify them in ſelling Wine, and Spirits diſtilled by Retail:

Preamble.

Wherefore for removing ſuch Doubts, ſecuring to the Farmers aforeſaid their juſt Dues, and to the Perſons ſo licenced the Priviledge thereby intended to be granted them:

Be it enacted by the Lieutenant Governour, Council and Houſe of Representatives, That the Farmers of the Duties aforeſaid, and alſo the Perſons ſo licenced to be Inn-holders, Taverners or Retailers, ſhall and may avail themſelves reſpectively of the Recognizances aforeſaid, and of all Recognizances heretofore entred into in any of the Courts of General Sessions of the Peace in this Province, or before one or more Juſtices out of Court in Conſequence of ſuch Licence granted, in like Manner and in all Reſpects as they might have done, if the Perſons reſpectively who farmed the Duties aforeſaid had been therein expreſſy named as Recognizees; and the ſeveral Recognizances aforeſaid are hereby deemed and declared to be valid and effectual for the Purpoſes aforeſaid.

Recognizances to the
Farmers of
Excife to
ſtand good.

CHAP.

Limitation of Actions.

C H A P. XVII.

An Act in further Addition to the Act for Limitation of Actions, and for avoiding Suits in Law where the Matter is of long standing.

Preamble.

WHEREAS by a Law of this Province Intitled, An Act in further Addition to the Act for the Limitation of Actions, and for avoiding Suits at Law where the Matter is of long standing; made and pass'd in the twenty seventh Year of his present Majesty's Reign, the Time limited for commencing all Actions of Account and upon the Case, excepting such as are excepted in another Act Intitled, An Act in Addition to and for the Explanation of an Act Intitled An Act for the Limitation of Actions, and avoiding Suits at Law where the Matter is of long standing; made and pass'd in the twenty second Year of his present Majesty's Reign, will expire the last Day of March next: And whereas there are great Numbers of Men now in the publick Service, who, if Debtors are by Law exempted from Arrests for any Debt less than Ten Pounds in Value, and if Creditors are by Reason of their Absence under Disadvantages for recovering their just Dues, and it is thereby become impracticable to have such Accounts and Actions settled within the Time now limited by Law for that Purpose:

Time for bringing Actions of the Case to be extended.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That the Time for commencing of Actions of the Case, upon Notes of Hand or upon Book Accounts, limited by the said Act of the twenty second, or by said Act made in the twenty seventh Year of his present Majesty's Reign, shall be and is hereby extended to the last Day of March, which will be in the Year of our Lord, One Thousand seven Hundred and fifty eight; and no Suit hereafter to be brought in such Cases shall be barred, if commenced before the Expiration of said Term.

And that this Law may be more generally known:

This Act to be read in Towns and Districts.

Be it further enacted, That the Clerk of every Town and District within this Province, shall read or cause the same to be read in their respective Towns and Districts, at their anniversary Meetings in March and May annually; and the Justices of the several Courts of Common Pleas within the respective Counties, shall cause the same to be publickly read at the Opening of their Courts from Time to Time after the Publication of this Act, and until the last Day of March One Thousand seven Hundred and fifty eight.

[The five foregoing Acts were Published November 5. 1755.]

B O S T O N :

Printed by S. KNEELAND, by Order of His Honour the Lieutenant Governour, Council and House of Representatives. 1755.

